

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 19, 2005

DIVISION TWO

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B170801 People (Not for Publication)
v.
Diaz

The judgment is modified by striking the finding of a five-year enhancement pursuant to section 667, subdivision (a)(1), predicated upon appellant's prior conviction of a violation of Vehicle Code section 10851 in case No. TA060358, as well as the five-year term imposed for this finding. Appellant's aggregate term is properly 21 years two months. As modified, the judgment is affirmed.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION TWO (Continued)

B176886 Summer et al. (Not for Publication)
 v.
 Beck

The order judgment of the trial court is affirmed. Beck is entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

B178746 Chandna (Not for Publication)
 v.
 Chandna

The order and judgment of the trial court are affirmed. Respondents Ravi and Sunita Koneru are entitled to costs on appeal.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B180001 People (Not for Publication)
 v.
 Bullington

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B181809 Mitchell (Not for Publication)

v.
State Personnel Board, et al.
Department of Corrections, et al.

The judgment is affirmed. The Department shall recover its costs on appeal.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B183573 Allstate Insurance Company (Not for Publication)

v.
Superior Court, Los Angeles County
(Southard, r.p.i.)

The petition is granted. The trial court is directed to vacate its order denying Allstate's motion for summary judgment, and to enter a new and different order granting the motion in its entirety. Allstate shall recover its costs in connection with this proceeding.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Hastings, J., Curry, J., Willhite, J. and V. Guzman, Deputy Clerk.

Each of the following:

B178169	People v. Daniels
B180016	DCFS v. Fanny G.
B177274	People v. Leon

DIVISION FOUR (Continued)

Each of the following (continued):

B177274 People v. Tobar
B181054 DCFS v. Tina D.

Argument waived, cause submitted.

B184392 Eastman Kodak Company
 v.
 Superior Court, Los Angeles County
 (Wilson, r.p.i.)

Merits:

Argued by Gary T. Lafayette for petitioner and by Nancy B. Thorington for real party in interest. Cause submitted.

B176286 Weaver et al.
 v.
 Chavez, Jr. et al.

Merits:

Argued by Roxanne Huddleston for appellants and by Kim L. Nguyen for respondents. Cause submitted.

B181311 Glendale I Mall Associates et al.
 v.
 City of Glendale et al.

Merits:

Argued by Jeffrey D. Dintzer for appellants and by Mark J. Dillon for respondents. Cause submitted.

DIVISION FOUR (Continued)

B174088 Mraz
 v.
 Catalina Channel Express, Inc.

Merits:
Argued by Roy G. Weatherup for appellant and by Daniel U. Smith for respondent. Cause submitted.

Court in recess.

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Hastings, J., Curry, J., Willhite, J. and V. Guzman, Deputy Clerk.

B179045 Mora and Lopez
 v.
 Long Beach Unified School District et al.

Merits:
Argued by Michele S. Patterson for appellants and by Allen L. Thomas for respondents. Cause submitted.

B180199 Ultimate Experience et al
 v.
 Raging Waters Group, Inc. et al.

Merits:
No appearance made for appellants. Argued by Salvatore T. Sirna for respondents. Cause submitted.

B176541 Freeman et al.
 v.
 Mostafavi et al.

Merits:
Argued by Amir Mostafavi in propria persona and by David Fink for respondents. Cause submitted.

DIVISION FOUR (Continued)

B179978 Ovitz et al.
v.
Schulman

Merits:

Argued by Andrew S. Pauly for appellants and by Walter T. Johnson for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B179887 People (Not for Publication)
v.
Rudy Michael Vigil

We reverse and remanded as to defendant's life term sentence on count 2, so that the trial court can determine defendant's sentence in accordance with this opinion. In all other respects, the judgment is affirmed.

Kriegler, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION SIX

B181817 People (Not for Publication)
v.
Carballo

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

October 19, 2005 (Continued)

DIVISION SIX (Continued)

B181037 People (Not for Publication)
v.
Cook

We deny Cook's request to delay the appeal. The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B177338 Manginelli (Not for Publication)
v.
Manginelli

The order setting aside the default, default judgment, and MSA is affirmed. Wife shall recover her costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B179614 People (Not for Publication)
v.
Jose F.,

The judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

B178125 Santa Barbara Channelkeeper et al. (Not for Publication)

v.

California Coastal Commission

City of Santa Barbara

The judgment (order denying writ petition and order denying City's motion for attorney's fees) is affirmed. Commission is awarded costs on appeal.

With respect to City's cross-appeal, the parties shall bear their own costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B180060 People (Not for Publication)

v.

Rene V.

The matter is remanded to the juvenile court with directions to exercise its discretion in setting appellant's maximum term of confinement pursuant to Welfare and Institutions Code section 731, subdivision (b). The juvenile court's orders are otherwise affirmed.

Perren, J.

We concur: Yegan, Acting P.J.

Coffee, J.

DIVISION SIX (Continued)

[illegible]

The superior court shall modify the abstract of judgment to reflect 277 days of actual custody credit and 138 days of conduct credit, for a total of 415 days. A copy shall be sent to the Department of Corrections. As so modified, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

B182145 County of San Luis Obispo
v.
Worker's Compensation Appeals Board
Art Martinez, Respondent

Filed order certifying opinion for publication.

DIVISION SEVEN

B167211 South Gate Rod & Gun Club (Not for Publication)
v.
City of South Gate

We reverse the judgment and remand the case to lower court with directions to dismiss the action as moot. The City shall recover its costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B181642 Balladares et al., (Not for Publication)

v.

Law Office of Zarate & Vega et al.,

The People

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.

Woods, J.

B177469 Sandoval et al., (Not for Publication)

v.

Universal City Studios, et al.,

The order vacating the judgment is reversed and the matter is remanded for further proceedings consistent with the views expressed in this opinion.

Each party shall bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.

Zelon, J.

B178135 Los Angeles County, D.C.S. (Not for Publication)

v.

Cindy M.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.

Zelon, J.

DIVISION SEVEN (Continued)

B179806 Kayle (Not for Publication)
v.
Remery et al.,

The purpose of the Elder Abuse Act is to afford heightened protection to a vulnerable population of society. That purpose was frustrated by the absence of procedural protections in this case. The denial of the motion to vacate and the underlying order of dismissal are reversed, and the matter is remanded for a status hearing, to be held on an expedited basis, and at which transfer may be considered, in the probate department. Appellant is to recover his costs on appeal.

Zelon, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B176291 Turmeko Properties, Inc., (Not for Publication)
v.
Pipkins

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.
Zelon, J.

B176770 People (Not for Publication)
v.
Carter and Page

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Zelon, J.

DIVISION EIGHT

[illegible]

The judgment is modified to provide imposition of a Penal Code section 1202.4, subdivision (b) restitution fine of \$200 and a Penal Code section 1202.45 parole revocation fine of \$200, which is suspended unless parole is revoked. The judgment is affirmed as modified. The superior court is directed to prepare an amended abstract of judgment to reflect this modification and shall notify the Department of Corrections of the modification.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B183732 People
v.
Viren M.,

On the Court's own motion Appeal (notice of appeal filed May 17, 2005) is dismissed.

B185803 World Savings Bank, F.S.B.,
v.
Paeco Corporation et al.,

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 25, 2005) dismissed.